

**REMARKS**

In the December 2, 2004 Office Action, the Examiner noted that claims 10-18 were pending in the application and rejected claims 10-18 under 35 USC § 102(e) as anticipated by U.S. Patent 5,317,568 to Bixby et al. (Reference A). Claims 10 and 11 have been cancelled and claims 19-21 have been added. Thus, claims 12-21 remain in the case. The Examiner's rejections are traversed below.

In item 3 on pages 2-4 of the Office Action, claims 10-18 were rejected as anticipated by Bixby et al. In particular, top of page 3 of the Office Action which includes the words "an additional layer (a communications manager) of network elements" (Office Action, page 3, first line) appears to imply that the additional layer of network elements recited in the last three lines of claim 10 was disclosed at column 3, lines 25-49 of Bixby et al. This portion of Bixby et al. describes a plurality of communications managers, each connected to a number of end users and the sending of "distribution units . . . [from] an origin end user ... to an origin communications manager along with a priority designation ... and an indication of the destination end user that is to receive the distribution" (column 3, lines 33-37). Due to the words used on line 1 of page 3 (quoted above), it unclear whether the Examiner is asserting that a single communications manager taught by Bixby et al. corresponds to the layer of network elements recited in the claims and whether Bixby et al. or the invention were not fully understood. Therefore, what was described in Bixby et al. and recited in the claims will be discussed below.

The portion of Bixby et al. which was cited as disclosing the additional layer of network elements is part of the Summary of Invention section in Bixby et al. Since "communications manager" is not a term of art, it is necessary to refer to the Detailed Description of Bixby et al. to understand what is meant by this term. As stated at column 6, lines 58-64, the term "communications manager" is used in Bixby et al. to refer to

[a]n application level entity which manages the common Network Protocol Stack resource on behalf of the other applications in the invention. Communications between applications residing in separate physical systems are co-managed by the Communications Manager counterparts residing in the individual systems.

Thus, as illustrated in Fig. 1 of Bixby et al., each computer in the system must have a Communications Manager to implement the system disclosed by Bixby et al. It seems clear that the term "communications manager" is used by Bixby et al. to refer to software that provides a distributed communication network between all of the computers in a plurality of networks.

On the other hand, the claims have always been directed to a network architecture formed of physical elements that perform different operations. Claim 19, which has replaced claim 10 as the independent claim, uses language to make it clear that the elements are different by separately reciting "subnetwork elements ... forming at least one subjacent physical network in each telecommunication network" (claim 19, lines 5-6) and "linked network elements, forming a layer connecting the subjacent physical network" (claim 19, line 9). In the exemplary embodiment illustrated in Fig. 1 of the application, the subnetwork elements are located in the lowest layer 1 and form the corporate networks, mobile networks, PSTN and Internet, while the linked network elements 3, 5 are in the middle layer and form data network 2.

Thus, it should be clear that while Bixby et al. and the present invention are directed to providing communication between heterogeneous networks, significantly different solutions are used. The solution taught by Bixby et al. relies on installing software on all of the computers that are to be connected together, including those illustrated in Fig. 1 as local area networks 102, 103, 122; vendor proprietary network 127; and other network 132. The present invention, on the other hand, provides the benefit of avoiding modification of every single computer system to be connected by localizing "system-independent interfaces using a uniform logical interface" (claim 19, line 10) in "a layer connecting the subjacent physical networks" (claim 19, line 9) which is represented by data network 2 in the exemplary embodiment illustrated in Fig. 1. As a result, existing corporate networks, mobile networks, PSTN and Internet, as well as each of the computers on those networks, can communicate without modification. According to the present invention, the system-independent interfaces in the network elements utilize the network communication protocol of the telecommunications network to which each is connected and translates that communication protocol to the uniform logical interface shared by the network elements "to make available the network functions of different subjacent physical networks to the at least one user (claim 19, last 2 lines).

For the above reasons, it is submitted that claim 19 patentably distinguishes over Bixby et al. Since the remaining claims 12-18, 20 and 21 all depend from claim 19, the remaining claims all distinguish over Bixby et al. for at least the reasons discussed above with respect to claim 19. Additional distinctions over Bixby et al. are recited in the dependent claims. For example, claim 21 recites details of how the system-independent interfaces are provided.

## **Summary**

It is submitted that Bixby et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 12-19 are in a condition suitable for

allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Mar. 2, 2005

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